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Application No. 10/728,095  
Docket No. 742113-26REMARKS

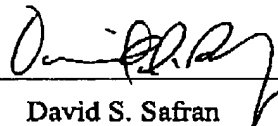
By the above actions, claims 11, 12 & 38 have been amended and redundant claims 42-51 cancelled.

With regard to the restriction requirement, applicant hereby elects Invention 2, directed to the system and method of claims 11-39. However, given the amendments made above, it is submitted that Invention 3 does not represent a separate invention from that of Invention 2. That is, the basis for distinctness of Invention 3 is that it is directed to sorting based upon a suitability analysis. However, sorting based upon a preference for each article that is determined by statistical probability calculations based upon a historical frequency distribution for controlling allocation of the articles to make up the batches is considered to be merely a form of suitability analysis so that Inventions 2 & 3 should be examined together.

In view of the above election, a prompt action on the merits of at least the claims directed elected invention is in order and is now requested.

Should this application be in condition for allowance but for the presence of nonelected claims or any other issues which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone so that the further progress of this application might thereby be expedited. In this regard, the Examiner's attention is directed to the new correspondence address and telephone number indicated below and on the accompanying Change of Address notice.

Respectfully submitted,

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